

### REMARKS

In the May 19, 2005 Office Action, claims 1-6, 8-11, and 14-15 stand rejected in view of prior art, while claims 12-13 are indicated as being allowed and claim 7 as containing allowable subject matter. No other objections or rejections are made in the Office Action.

#### *Status of Claims and Amendments*

In response to the May 19, 2005 Office Action, Applicants have amended the specification and claims 1 and 8 as indicated above. Applicants wish to thank the Examiner for the indication of allowance and allowable subject matter, and the thorough examination of this application. Thus, claims 1-15 are pending, with claims 1, 8, 12 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of the above amendments and the following comments.

#### *Interview Summary*

On September 8, 2005, the undersigned conducted a personal interview with Examiner Gloria Weeks and Examiner Stephen Gerrity, who are in charge of the above-identified patent application. Applicants wish to thank the Examiners for their courteous interview and the opportunity to discuss the above-identified patent application.

During the interview, rejection of claim 1 over the Petrea patent and the Howard patent was discussed.

#### *Specification*

Applicants have amended the specification so as to correct typographical and phraseological errors. Since the portion of the specification that has been amended regarding Figure 8 is shown in Figure 8 as originally filed, Applicants believe that no new matter has been added by this amendment to the specification.

Applicants believe that the specification is correct and complies with 37 CFR §1.71 and §1.75(d)(1).

#### *Rejections - 35 U.S.C. § 103*

In paragraphs 2-6 of the Office Action, claims 1-4, 8-11, 14, and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,864,895 to Petrea ("Petrea patent") in view of U.S. Patent No. 6,138,442 to Howard et al. ("Howard patent"). Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the Petrea patent in view of the Howard patent and U.S. Patent No. 6,726,794 to Belt ("Belt patent"). Claim 6

stands rejected under 35 U.S.C. §103(a) as being unpatentable over the Petrea patent in view of the Howard patent and U.S. Patent No. 4,415,127 to Seragnoli ("Seragnoli patent"). In response, Applicants have amended claims 1 and 8 as presented above.

More specifically, claim 1 has been amended to recite that the transfer mechanism transfers the bag diagonally in a ***downward and rearward direction***. Similarly, claim 8 has been amended to recite that the ***fixing position is positioned downward and offset in a rearward direction relative to the release position***. The frontward direction is defined as the direction in which bags affixed to a strip are outputted from the bag manufacturing and packaging apparatus. Furthermore, as clearly defined in claim 8, the release position is the position at which the sealing members release a bag, and the fixing position is the position at which the bag is affixed to a strip. These limitations are supported by Figures 1 and 4 as originally filed. Applicants believe that none of the prior art of record disclose or suggest the arrangement of claims 1 and 8 as now amended.

***Petrea Patent***

Regarding claim 1, Applicants believe that the Petrea patent does not show the transfer mechanism that transfer the bags ***diagonally downward and rearward***. The Office Action on page 3 asserts that the transfer mechanism 22 of the Petrea patent transfers the bags downward when placing the bags on the strip. However, this transfer is ***in a frontward direction, not in a rearward direction*** as required by claim 1. As seen in Figure 1 of the Petrea patent, the bags 12 attached to the backing sheet 36 are outputted from the machine in the leftward direction. Thus, the "frontward direction" of the machine of the Petrea patent is the leftward direction as viewed in Figure 1. Therefore, the tilting of the arm 22, if it occurs at the time of placing the bags 12 on the backing sheet 36 as shown in Figure 7, is ***in the frontward direction, not in the rearward direction*** as required by claims 1 and 8.

Furthermore, Applicants believe that the transfer mechanism of the Petrea patent cannot structurally transfer the bags diagonally downward and rearward. As seen in Figure 1, the arm 22 in its normal state maintains a posture that is inclined frontward. Therefore, if the arm 22 is to be tilted rearward, in other words rightward, from this normal posture, the bag 12 that is attached to the arm 22 via the vacuum cup 32 is brought ***upward, rather than downward***. Therefore, the arm 22 of the Petrea patent ***cannot*** transfer the bags in the downward ***and*** rearward direction as required by claim 1.

Regarding claim 8, Applicants believe that the fixing position of the Petrea patent is not *downward and rearward* relative to the release position. As seen in Figure 1 of the Petrea patent, the fixing position at which the bag 12 is attached to the backing sheet 36 is clearly frontward of the release position at which the sealing mechanism 10 releases the bag 12. This is clearly contrary to the requirement of claim 8 as now amended.

Therefore, Applicants believe that the Petrea patent does not satisfy the requirement of claims 1 and 8 as now amended.

Howard Patent

The Howard patent is cited in the Office Action to show a revolving transverse sealing mechanism. Clearly, the Howard patent does not show or suggest the transfer mechanism as required by claim 1, or the fixing mechanism as required by claim 8.

Therefore, Applicants believe that the Howard patent does not satisfy the requirement of claims 1 and 8 as now amended, whether singularly or in combination with the Petrea patent.

Belt Patent

The Belt patent is cited in the Office Action to show a strip transport unit that transports a plurality of strips to the fixing mechanism. Regarding claim 1, Applicants believe that the Belt patent does not show or suggest the transfer mechanism that transfers the bag in a *downward and rearward* direction. As seen in Figures 1-4 of the Belt patent, the transfer mechanism clearly transfers the bags horizontally, rather than diagonally downward as required by claim 1. Furthermore, it is very unlikely that the bags 12 attached to the strip of the Belt patent are thereafter outputted in the rightward direction as viewed in Figure 1, since if the bags 12 were transferred in the rightward direction, the bags 12 would collide with the pockets 16 of the conveyor 18 and interfere with the operation of the conveyor 18. Thus, the "frontward direction" of the Belt patent would have to be the leftward direction as viewed in Figures 1-4. Therefore, the conveyor 18 clearly does not transfer the bags 12 in a rearward direction.

Regarding claim 8, the Belt patent does not show the release position. Applicants believe that the Belt patent does not show or disclose the fixing mechanism whose fixing position is downward and rearward relative to the release position.

Thus, Applicants believe that the Belt patent does not anticipate or suggest the arrangement of claims 1 and 8, whether taken singularly or in combination with the Petrea patent and the Howard patent.

*Seragnoli Patent*

The Seragnoli patent is cited in the Office Action to show a means for signaling depletion of the strip material from the reel supply. The Seragnoli patent clearly does not show or suggest a transfer mechanism that transfers bags diagonally downward and rearward, or a fixing mechanism whose fixing position is downward and rearward relative to the release position. Thus, the Seragnoli patent does not anticipate or suggest the arrangement of claims 1 and 8, whether taken singularly or in combination with the Belt patent, the Howard patent, and the Petrea patent.

In view of the above comments, the Petrea patent, the Howard patent, the Belt patent, and the Seragnoli patent do not anticipate or suggest the arrangement of claims 1 and 8.

Moreover, Applicants believe that dependent claims 2-4, 9-11, 14, and 15 are also allowable over the prior art of record in that they depend from independent claims 1 and 8. Therefore, they are allowable for the reasons stated above. Thus, Applicants believe that since the prior art of record does not anticipate the independent claims 1 and 8, neither does the prior art anticipate the dependent claims.

Therefore, Applicants respectfully request that these rejections be withdrawn in view of the above comments.

***Allowable Subject Matter***

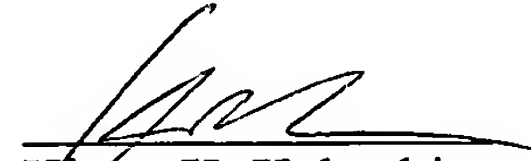
In paragraphs 7-8 of the Office Action, claim 12-13 stand indicated as allowed and claim 7 is indicated as containing allowable subject matter. Applicants wish to thank the Examiner for the indication of allowance and allowable subject matter, and the thorough examination of this application. Claim 7 still remains dependent from claim 1, which Applicants believe is allowable over the prior art of record. Thus, Applicants believe that claim 7 is now in condition for allowance.

\* \* \*

In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-15 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

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Respectfully submitted,

  
Kiyoe K. Kabashima  
Reg. No. 54,874

SHINJYU GLOBAL IP COUNSELORS, LLP  
1233 Twentieth Street, NW, Suite 700  
Washington, DC 20036  
(202)-293-0444

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